IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1809 OF 2005

Rishiroop Polymers Pvt. Ltd. .. Petitioners

V/s

The Union of India .. Respondents

Mr. Prakash Shah with Mr.Bharat Raichandani i/b PDS Legal for the Petitioners.

Mr.B.A. Desai, Additional Solicitor General, with Mr.A.M. Sethna for Respondents Nos.1 to 3.

Mr.Shyam Divan, Senior Advocate with Ms.Lata Bachani and Mr. Prashant Bhagwati i/b I.R. Joshi & Co. for Respondent No.4.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATE : 17TH NOVEMBER 2005

P.C. :

1. Heard the counsel for the parties.

2. After filing of this petition, which seeks to challenge the further proceedings pursuant to the impugned disclosure statement under the Anti-dumping Duty Rules, the Designated Authority has published a final findings on 6th June 2005 and Respondent No.1 has imposed the anti-dumping duty on the concerned goods vide Notification issued on 1st September 2005. In view thereof, Mr.Shah, learned counsel appearing for the Petitioners, seeks liberty to withdraw this petition and to file an Appeal against this notification under

section 9C of the Customs Tariff Act, 1975 before the concerned Tribunal. The petition is accordingly allowed to be withdrawn with liberty.

3. It is clarified that withdrawal of this petition will not preclude the Petitioners from raising such contentions as may be permissible to them in law before the Tribunal and it will also be open to the Respondents to raise their contentions and objections when the Appeal is heard and decided.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)